

### **REMARKS**

Claims 1-32 are pending in the application. Claims 1-5, 7-10, 18, and 24 are amended herein. Claim 6 is cancelled. No new matter has been added. Claims 1-32 have been rejected. Reconsideration and withdrawal of the rejections set forth in the Office Action dated May 30, 2007, are respectfully requested.

### **Rejections Under 35 USC § 102:**

Claims 1-32 stand rejected under 35 USC §102(a) as being anticipated by *Gold* (US Publication No. 2003/0089832).

### **Prior Art**

Gold describes a stand, holder or an accessory for handheld electronics (Title: "Multi-Function Accessory for Handheld Electronics", Abstract). The accessory has an adjustable set of rotationally locking leaves (or an adjustable pivot), providing adjustable angle among three legs to support a separate handheld device. Gold suggests that the accessory provides the handheld device with a hand-carrying ability that creates a more secure grip, a surface stand up ability, and creates multiple configurations that can hold handheld devices above desk level (Abstract).

Even though the configuration of the accessory in Gold appears similar to the housing of the present invention, Gold does not teach an integrated portable interactive device with such a holder or housing of the device. Rather, Gold teaches a separate stand, holder, or support for a handheld (portable) device. The accessory disclosed in Gold does not have a user interface formed into the accessory. Rather, Gold's accessory can hold or support a separate handheld device that may have its own user interface. Further, Gold does not teach a portable interactive device integrated with housing used for the specific purpose of physical fitness, exercise, or training.

### **Prior Arts Distinguished**

**Claim 1:** The examiner suggested that Gold teaches of a housing for a portable interactive device [figure 6a items 70 and 10 (20, 30, 40, 50)], said housing comprising: a fixed-arm clip formed coupled to a back of said housing [figure 6a item 10 (20, 30, 40, 50)], wherein said fixed-

arm clip acts as a stand for said portable interactive device [figure 16, paragraph 12], allows said portable interactive device to be held in one hand by a user [figure 13, paragraph 11], and allows said portable interface device to be attached to another article [figure 10, paragraph 13]; and a user interface formed into said housing, said user interface providing controls for said portable interactive device, said user interface arranged such that said user may operated said controls with said one hand while holding said portable interactive device with said one hand [figure 6a item 70, paragraphs 2, figure 7c item 70, wherein said user interface formed into said housing is inherent to the provided PDA device having a power and touch screen buttons operable with a thumb as shown in figure 7c item 70.]

Claim 1 is amended to point out a portable interactive device integrated with its housing for physical fitness activity. The portable interactive device for physical fitness activity and the housing that provides multiple positions of the device are not separable because they are integrated together. Further, the limitation of previous claim 6 (cancelled), i.e. capable of mounting into a docking station, is incorporated into claim 1. Even though the configuration of the accessory in Gold appears similar to the housing of the present invention, Gold does not teach an integrated portable interactive device with such a holder or housing of the device. Rather, Gold teaches a separate stand, holder, or support for a handheld (portable) device.

Also, even though the examiner suggested that the user interface is inherent to the provided PDA device having a power and touch screen buttons operable with a thumb, the PDA device held by the accessory is a separate device and the accessory in Gold does not have such a user interface formed into the accessory itself. Further, Gold does not teach a portable interactive device integrated with housing used for the specific purpose of physical fitness, exercise, or training.

Regarding the limitation of the previous claim 6 (cancelled) that is incorporated into claim 1, the examiner suggested that Gold teaches of wherein said housing is operable to mount into a docking station, figures 17, 23, 28 wherein the device docks with other devices.

However, figure 17, described as a photo of invention with PDA and a keyboard in a "high portrait" position (paragraph 40), merely suggests that a separate handheld device (e.g. PDA, etc) connected to a keyboard may be held or supported by the accessory described in Gold. Figure 23, described as a photo of invention with PDA attached to a laptop computer (paragraph 46), merely suggests that a separate handheld device may be attached or mounted

on top of an open laptop computer screen using the accessory described in Gold. Figure 28, described as a photo of invention as a vehicle dashboard carrier (paragraph 51), merely suggests that a separate handheld device may be attached or mounted on dash board using the accessory described in Gold. Docking stations provide a way to easily 'plug-in' a portable device to common peripherals or another device such as a desktop computer. Mere physical attachment described in Gold should be distinguished from providing a capability of mounting into a docking station as in the present application.

Therefore, the applicant submits that claim 1 is not anticipated by Gold, and respectfully requests that claim 1 be allowed.

**Claim 2:** The examiner suggested that Gold teaches of wherein said fixed-arm clip includes a rubber cover providing a secure grip, figure 9 item 44 wherein the foam pad assisting with the user grip can alternatively be made of a rubber pad as an obviousness type design choice known in the art. However, the foam pad 44 is distinguishable from the rubber cover of the fixed-arm clip in the present application. As shown in Fig. 1, the fixed-arm clip 14 has its surface covered by rubber all around, instead of having a limited size foam pad 44 attached on the surface of a leg 40 in Gold. To emphasize this difference, claim 2 has been amended to include "a rubber cover around said fixed-arm clip".

Further, claim 2 depends on the amended independent claim 1 that the applicant requested to be allowed because claim 1 is not anticipated by Gold as discussed above. Thus, the applicant respectfully requests that claim 2 be allowed.

**Claims 3-5:** The applicant respectfully request that claims 3-5 allowed because they depend on the amended independent claim 1 that the applicant requested to be allowed because claim 1 is not anticipated by Gold as discussed above.

**Claims 7-9:** The examiner suggested that Gold teaches of wherein said user interface includes a plurality of buttons [figure 7c item 70], Gold teaches of wherein at least of said plurality of buttons has a profile substantially flush with a surface of said housing [figure 7c item 70], and Gold teaches of wherein at least one of said plurality of buttons is a toggle switch extending out from a surface of said housing [figure 7c item 70].

The quoted features in Gold may be features of a separate handheld device, e.g. a PDA, instead of the disclosed accessory that holds such a handheld device. Therefore, Gold does

not teach an integrated portable interactive device with such a holder or housing of the device. Rather, Gold teaches a separate stand, holder, or support for a handheld (portable) device. The accessory disclosed in Gold does not have a user interface formed into the accessory. Rather, Gold's accessory can hold or support a separate handheld device that may have its own user interface. Further, Gold does not teach a portable interactive device integrated with housing used for the specific purpose of physical fitness, exercise, or training. Therefore, claims 7-9 are not anticipated by Gold.

Further, claims 7-9 depend on the amended independent claim 1 that the applicant requested to be allowed because claim 1 is not anticipated by Gold as discussed above. Thus, the applicant respectfully requests that claim 7-9 be allowed.

**Claim 10:** The examiner suggested that Gold teaches of a portable interactive device enabling a user to perform a mobile activity [figure 6a item 70 and 10 (20, 30, 40, 50)], said housing including: a fixed-arm clip formed on a back of said housing [figure 6a item 10 (20, 30, 40, 50)], wherein said fixed arm clip acts as a stand for said portable interactive device [figure 16, paragraph 12] allows said portable interactive device to be held in one hand by a user [figure 13, paragraph 11], and allows said portable interface device to be attached to another article [figure 6a item 70, paragraphs 2, figure 7c item 70]; and a user interface formed into said housing, said user interface providing controls for said portable interactive device, said user interface arranged such that said user may operate said controls with said one hand while holding said portable interactive device with said one hand [figure 6a item 70, paragraphs 2, figure 7c item 70]; a display for displaying information to said user [figure 6a item 70, paragraphs 2, figure 7c item 70]; a memory for storing data relating to said mobile activity [figure 6a item 70, paragraphs 2, figure 7c item 70], said feature inherent to the PDA 70; and a processor in communication with said display, said user interface, and said memory, said processor operable to control said display and to control said storage and retrieval of data from said memory [figure 6a item 70, paragraphs 2 7 6, figure 7c item 70], said feature inherent to the PDA 70.

Even though the configuration of the accessory in Gold appears similar to the housing of the present invention, Gold does not teach an integrated portable interactive device with such a holder or housing of the device. Rather, Gold teaches a separate stand, holder, or support for a handheld (portable) device, e.g. PDA. To emphasize this point, claim 10 is amended. Also, the accessory disclosed in Gold does not have a user interface formed into the accessory. Rather,

Gold's accessory can hold or support a separate handheld device (e.g. PDA) that may have its own user interface. Likewise, Gold's accessory does not have a display, a memory, or a processor of its own, even though a separate handheld device may have them.

Therefore, the applicant submits that claim 10 is not anticipated by Gold, and respectfully requests that claim 10 be allowed.

**Claim 11-12:** The applicant respectfully request that claims 11-12 allowed because they depend on the amended independent claim 10 that the applicant requested to be allowed because claim 10 is not anticipated by Gold as discussed above.

**Claim 13-15:** The examiner suggested that Gold teaches of wherein said housing is operable to mount into a docking station, figures 17, 23, 28 wherein the device docks with other devices; Gold teaches of wherein said user may access an external computer while said device is in said docking station, figures 17, 23, 28 wherein the device docks with other devices; and Gold teaches of wherein said user may access the Internet while said device is in said docking station, figures 17, 23, 28 wherein the device docks with other devices.

Regarding a docking station feature, the same argument as discussed above under claim 1 (that incorporated cancelled claim 6) applies.

Further, claims 13-15 depend on the amended independent claim 10 that the applicant requested to be allowed because claim 10 is not anticipated by Gold as discussed above. Therefore, the applicant respectfully requests that claim 13 be allowed.

**Claim 16:** The examiner suggested that Gold teaches of wherein said mobile activity is a physical fitness activity, figure 10 and 13. However, figure 10, described as a photo of invention with PDA as a belt/pocket attached unit (paragraph 33), does not specifically teach that the mobile activity is a physical fitness activity. Also, figure 13, described as a photo of invention with PDA in a handgrip use (paragraph 36), does not specifically teach that the mobile activity is a physical fitness activity.

Further, the independent claim 10 on which claim 16 depends specifically includes a memory for storing data relating to said mobile activity. Therefore, it is apparent that claim 16 further limits the claim 10 in that the data stored in the memory is physical fitness activity data. Even though figure 10 and 13 may suggest portability or mobility, it does not suggest physical

fitness activity or storing related data in the memory. Therefore, the applicant submits that claim 16 is not anticipated by Gold.

Further, claim 16 depends on the amended independent claim 10 that the applicant requested to be allowed because claim 10 is not anticipated by Gold as discussed above. Therefore, and respectfully requests that claim 16 be allowed.

**Claim 17:** The examiner suggested that Gold teaches of wherein a heart rate monitor is connected to said device, paragraph 23. However, first of all, Gold does not mention a heart rate monitor in the quoted part. Gold merely mentioned that the handheld electronic device can be attached to another device (i.e. a laptop computer or desktop monitor) so that the device can be used and seen while using the secondary device. This suggests a parallel use of the first handheld device and the secondary device at the same time because a user may view both devices. But Gold does not suggest that the secondary device is connected to the handheld device mounted on the described accessory.

For example, figure 23, described as a photo of invention with PDA attached to a laptop computer (paragraph 46), merely suggests that a separate handheld device may be attached or mounted on top of an open laptop computer screen using the accessory described in Gold. There is no indication that the handheld device is connected to the laptop computer to access and communicate with the laptop computer.

In contrast, claim 17 specifically points out that a heart rate monitor is connected to the portable interactive device in claim 10, related to the physical fitness activity in claim 16. Therefore, the applicant submits that claim 17 is not anticipated by Gold.

Further, claim 17 depends on the amended independent claim 10 that the applicant requested to be allowed because claim 10 is not anticipated by Gold as discussed above. Therefore, and respectfully requests that claim 17 be allowed.

**Claim 18:** The examiner suggested that Gold teaches of a portable interactive device for selecting and monitoring activity data for a user [figure 6a items 10 and 70], said device comprising: a housing configured to be carried by said user [figure 6a items 10 and 70]; a display for displaying information to said user [figure 6a item 70]; an interface operable by said user to control said device [figure 7c items 70 (buttons)] and an adjustable clip mounted on said

housing of said device [figure 6a item 10]; wherein said adjustable clip has at least four positions relative to said device [figures 10, 11, 12, 13].

Even though the configuration of the accessory in Gold appears similar to the housing of the present invention, Gold does not teach an integrated portable interactive device with such a holder or housing of the device. Rather, Gold teaches a separate stand, holder, or support for a handheld (portable) device, e.g. PDA. To emphasize this point, claim 18 is amended. Also, the accessory disclosed in Gold does not have an interface operable by said user to control the device. Rather, Gold's accessory can hold or support a separate handheld device (e.g. PDA) that may have its own interface. Likewise, Gold's accessory does not have a display, even though a separate handheld device may have one.

Therefore, the applicant submits that claim 18 is not anticipated by Gold and respectfully requests that claim 18 be allowed.

**Claim 19-21:** The applicant respectfully request that claims 19-21 allowed because they depend on the amended independent claim 18 that the applicant requested to be allowed because claim 18 is not anticipated by Gold as discussed above.

**Claim 22:** The examiner suggested that Gold teaches of wherein said third position of said adjustable clip is used to fit said device into a docking station, figures 17, 23, 28 wherein the device docks with other devices.

Regarding a docking station feature, the same argument as discussed above under claim 1 (that incorporated cancelled claim 6) applies.

Further, claim 22 depends on the amended independent claim 18 that the applicant requested to be allowed because claim 18 is not anticipated by Gold as discussed above. Therefore, the applicant respectfully requests that claim 22 be allowed.

**Claim 23:** The applicant respectfully request that claim 23 allowed because it depends on the amended independent claim 18 that the applicant requested to be allowed because claim 18 is not anticipated by Gold as discussed above.

**Claim 24:** The examiner suggested that Gold teaches of a portable interactive device [figure 6a items 10 and 70], said device comprising: a housing configured to be transported by a user

[figure 6a items 10 and 70]; a display for displaying information to said user [figure 6a item 70]; an interface operable by said user to select and input data [figure 7c item 70 (buttons)] and a clip mounted on said housing [figure 6a item 10] wherein said clip acts as a stand for said device [figure 12 & 16] and wherein said clip acts to aid said user in holding said device [figure 13].

Even though the configuration of the accessory in Gold appears similar to the housing and clip of the present invention, Gold does not teach a portable interactive device integrated with such a holder or housing of the device. Rather, Gold teaches a separate stand, holder, or support for a handheld (portable) device, e.g. PDA. Further, in contrast to the accessory in Gold that both holds a handheld device and functions as a stand for the device, there is an integrated housing with the portable interactive device and a separate clip that acts as a stand in claim 24 of the present application. To emphasize this point, claim 24 is amended. Also, the accessory disclosed in Gold does not have an interface operable by said user to control the device. Rather, Gold's accessory can hold or support a separate handheld device (e.g. PDA) that may have its own interface.

Therefore, the applicant submits that claim 24 is not anticipated by Gold, and respectfully requests that claim 24 be allowed.

**Claim 25-28:** The applicant respectfully request that claims 25-28 be allowed because they depend on the amended independent claim 24 that the applicant requested to be allowed because claim 24 is not anticipated by Gold as discussed above.

**Claim 29:** The examiner suggested that Gold teaches of further comprising a memory for storing data relating to programs, workouts, exercises and user inputted data, figure 6a item 70, paragraph 2 and 6. Even though a handheld device may include a memory for storing data, Gold only teaches of an accessory that may hold, stand, or support a separate handheld device, e.g. a PDA. Therefore, even though figure 6a in Gold shows the accessory being used as a stand for such a handheld device, Gold does not teach a portable interactive device integrated with such a holder or housing of the device.

The applicant submits that the additional limitation of claim 29 is not anticipated by Gold. Further, claim 29 depends on claim 24 and the applicant requested claim 24 be allowed as discussed above. Therefore, the applicant respectfully requests that claim 29 be allowed.



**Claim 30-31:** Similar argument discussed above for claim 29 applies. Therefore, the applicant respectfully requests that claims 30-31 be allowed.

**Claim 32:** The examiner suggested that Gold teaches of wherein said device displays physical fitness information, paragraph 6. However, Gold does not specifically teach that a portable interactive device displays physical fitness information. As discussed above, Gold does not even teach a portable interactive device integrated with such an accessory, holder, or housing of a handheld device as described in Gold. Rather, Gold teaches a separate stand, holder, or support for a handheld (portable) device, e.g. PDA.

The applicant submits that the additional limitation of claim 32 is not anticipated by Gold. Further, claim 32 depends on claim 24 and the applicant requested claim 24 be allowed as discussed above. Therefore, the applicant respectfully requests that claim 32 be allowed.

### **CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Please charge the amount of \$525.00 for a three-month extension of time fee from our Deposit Account No. 50-2207, under Order No. 41963-8003.US01 from which the undersigned is authorized to draw.

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Respectfully submitted,

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